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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE SAMUEL CONTI, JUDGE

JOHNNY WANG,)	
)	
PLAINTIFF,)	
)	
)	
VS.)	NO. C-09-4797 SC
)	
ASSET ACCEPTANCE LLC,)	
)	
DEFENDANT.)	
)	

SAN FRANCISCO, CALIFORNIA
MARCH 5, 2010

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

FOR THE PLAINTIFF,
JOHNNY WANG,

BY:

HARRY SHULMAN, ESQUIRE,
THE MILLS LAW FIRM
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SAN RAFAEL, CALIFORNIA 94903

(APPEARANCES CONTINUED ON THE FOLLOWING PAGE)
REPORTED BY: CATHERINE EDWARDS, CSR 3071

(APPEARANCES CONTINUED FROM THE PRECEEDING PAGE)

FOR THE DEFENDANT,
ASSET ACCEPTANCE LLC,

BY:

TOMIO NARITA, ESQUIRE
SIMMONDS & NARITA LLP
44 MONTGOMERY, SUITE 3010

SAN FRANCISCO, CALIFORNIA 94104-4816

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P R O C E E D I N G S

FRIDAY MARCH 5, 2010

10:00 AM

THE CLERK: NUMBER SIXTEEN. CIVIL 09-4797 JOHNNY
WANG VERSUS ASSET ACCEPTANCE.

MR. SHULMAN: GOOD MORNING, YOUR HONOR; HARRY SHULMAN
FOR THE PLAINTIFF, JOHNNY WANG.

MR. NARITA: YOUR HONOR, TOMIO NARITA FOR ASSET
ACCEPTANCE.

THE COURT: THIS CASE HAS A GENESIS IN SOME BILLS;
RIGHT?

MR. SHULMAN: RIGHT.

THE COURT: FIRST OF ALL I WANT TO KNOW, ARE THOSE
A.T. & T. BILLS?

MR. SHULMAN: THEY WERE A.T. & T. BILLS; THEY BECAME
ASSET ACCEPTANCE.

THE COURT: THAT WAS NUMBER ONE.

NUMBER TWO: IS A.T. & T INVOLVED IN THIS, OR IS THIS
THE NORMAL PURCHASE OF A BILL?

MR. SHULMAN: THE LATER.

THE COURT: NORMAL PURCHASE OF A BILL.

SO THAT NOBODY IS GOING TO COME IN AND SAY THAT THAT
A.T. & T. BILL WAS GOOD, BAD OR INDIFFERENT?

MR. SHULMAN: AS FAR AS I KNOW, THAT IS TRUE.

THE COURT: IS THAT CORRECT?

1 MR. NARITA: WELL, YOUR HONOR --

2 THE COURT: THE REASON I AM SAYING THIS IS THAT I HAVE
3 GOT STOCK IN A. T. & T.

4 AND IF A.T. & T. IS INVOLVED, THEN I WILL HAVE TO
5 RECUSE MYSELF.

6 BUT, IF IT IS MERELY AN ASSIGNMENT, OR IF IT IS A
7 PURCHASE OF A BILL, THAT IS SOMETHING ELSE AND IN THE EVENT IF
8 IF THERE IS NO OBJECTION TO THE BILL, AS THE DEFENSE
9 INDICATES --

10 MR. NARITA: WELL THERE AN ALLEGATION IN THE CASE BY
11 THE PLAINTIFF, MR. WANG, THAT HE DID NOT OWE THE BILL; THAT THAT
12 IS TRUE.

13 I DON'T KNOW WHAT THAT MAY DO TO YOUR RECUSAL.

14 THE COURT: WELL WHAT DOES THAT DO TO YOUR CLAIM IN
15 RELATION TO A.T.& T?

16 MR. SHULMAN: THE CLAIM IS THAT IT IS NO LONGER OWNED
17 BY A.T.& T. IT IS OWNED BY ASSET ACCEPTANCE.

18 THE COURT: I KNOW. BUT, IF IT INVOLVES AN A. T.& T.
19 CLAIM, AND A.T. & T THEN COMES IN, WHETHER A. T. & T. HAS A
20 CORRECT CLAIM OR NOT, THEN A. T. & T. IS INVOLVED.

21 MR. SHULMAN: I DON'T BELIEVE THAT THAT IS GOING TO
22 HAPPEN. I CAN'T SEE THE VALIDITY OF THAT.

23 THE COURT: WELL, IT COULD HAPPEN IN THE MIDDLE OF THE
24 CASE.

25 MR. NARITA: YOUR HONOR, I COULDN'T --

1 THE COURT: NORMALLY THE WAY THESE CASES ARE, NORMALLY
2 YOU GO OUT AND YOU BUY A BUNCH OF DELINQUENT BILLS AND YOU OWN
3 THEM NOW.

4 AND YOU FILE A LAWSUIT: A B AND C OWES A CERTAIN
5 AMOUNT OF MONEY; AND THAT IS IT.

6 BUT IF YOU ARE GOING TO GO BACK TO THE BILL ITSELF AND
7 SAY THAT THE BILL IS NOT CORRECT, OR IT IS A FRAUDULENT BILL OR
8 IT IS A PHONY BILL OF SOME KIND; THEN, THAT IS A DIFFERENT
9 STORY.

10 I DON'T MAKE THESE ETHICS RULES, YOU KNOW. I JUST
11 HAVE TO TRY TO FOLLOW THEM.

12 MR. NARITA: YOUR HONOR.

13 THE COURT: YES?

14 MR. NARITA: I HAVE TO SAY THAT THE PLAINTIFF HAS PUT
15 IN ISSUE WHETHER OR NOT HE OWED THIS MONEY.

16 SO, IF WE EVER GET TO THE POINT WHERE WE TAKE HIS
17 DEPOSITION, WE CERTAINLY BELIEVE HE DOES OWE IT.

18 AND, IF THAT REQUIRES BRINGING A.T.& T. IN AT SOME
19 POINT TO DEMONSTRATE THAT, IN FACT, HE DOES OWE IT --.

20 THE COURT: ALL RIGHT. WELL, WHY DON'T I PUT THIS
21 OVER A WEEK AND I WILL THINK ABOUT IT.

22 AND THEN I WILL LET YOU KNOW IN THE MEAN TIME --

23 MR. NARITA: OKAY.

24 THE COURT: -- ONE WAY OR ANOTHER.

25 MR. NARITA: THANK YOU.

1 THE COURT: WAIT; NOT, "A WEEK." WAIT A MINUTE. JUST
2 HANG ON.

3 THE CLERK: MARCH 19TH.

4 THE COURT: MARCH WHAT?

5 THE CLERK: MARCH 19TH.

6 THE COURT: MARCH 19TH. OKAY?

7 MR. SHULMAN: AT WHAT TIME?

8 THE COURT: TEN O'CLOCK. SEE YOU THEN.

9 MR. NARITA: THANK YOU.

10 MR. SHULMAN: THANK YOU.

11

12 (:WHEREUPON THE PROCEEDINGS ADJOURNED:)

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1 CERTIFICATE OF THE REPORTER

2
3 I, CATHERINE EDWARDS, A CERTIFIED SHORTHAND
4 REPORTER, 3071, FOR THE UNITED STATES DISTRICT
5 COURT, NORTHERN DISTRICT OF CALIFORNIA, HEREBY
6 CERTIFY THAT:

7
8
9 THE FOREGOING TRANSCRIPT OF PROCEEDINGS WERE
10 REPORTED BY ME, AND WERE THEREAFTER TRANSCRIBED
11 UNDER MY DIRECTION INTO TYPEWRITING.

12
13
14 I ALSO HEREBY CERTIFY THAT THE FOREGOING
15 TRANSCRIPT IS A TRUE RECORD OF THE PROCEEDINGS
16 AS BOUND BY ME AT THE TIME OF FILING.

17
18
19 THE VALIDITY OF THE REPORTER'S CERTIFICATION
20 OF SAID TRANSCRIPT MAY BE VOID UPON DISASSEMBLY
21 AND/OR REMOVAL FROM THE COURT FILE.

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23 

24 /S/ CATHERINE EDWARDS, CSR
25 DATE AUGUST 9, 2010